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Attorney for the Plaintiffs

SALLY HAZLETT individually and the
marital community comprised of
SALLY HAZLETT and CLIFF
HAZLETT,

Plaintiffs,

v.

JPRD INVESTMENTS, LLC a
Washington Limited Liability
Company; and MELANIE BAILEY
individually and the marital community
comprised of MELANIE BAILEY and
JOHN DOE BAILEY,

Defendant.

COMPLAINT AND DEMAND FOR
JURY TRIAL

NO:

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") in their illegal efforts to collect a consumer debt from Plaintiffs.

COMPLAINT
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3. Venue is proper in the Eastern District of Washington because the acts and transactions occurred here, Plaintiffs reside here, and Defendants reside and transact business here.

PARTIES

4. Plaintiff Sally Hazlett is a natural person who resides in the City of Spokane, County of Spokane, State of Washington, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Plaintiff Cliff Hazlett is a natural person who resides in the City of Spokane, County of Spokane, State of Washington, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

6. Defendant JPRD Investments, LLC (hereinafter “Defendant JPRD”) is a collection agency operating from an address of 610 N. Mission St. Suite 200 Wenatchee, WA 98801, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

7. Defendant Melanie Bailey (hereinafter “Defendant Bailey”) is a natural person who was employed at all times relevant herein by Defendant JPRD as a debt collector and attorney and was at all relevant times a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Defendant JPRD alleged that in or about 2000, the Plaintiff Sally Hazlett incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely, a credit card

1 debt with Fleet Bank, which was used by Plaintiff for personal, family and household
2 purchases.

3 9. In or after the year 2003, the Fleet Bank account was consigned, placed or otherwise
4 transferred to Defendant JPRD for collection from these Plaintiffs.

5 10. On April 5, 2009, Defendant JPRD caused Plaintiff Sally Hazlett to be served with a
6 Summons and Complaint in order to collect on the Plaintiff's Fleet Bank account.

7 11. On April 6, 2009, Ms. Hazlett contacted Defendant JPRD by telephone and spoke with
8 Defendant Bailey. This conversation was a "communication" in an attempt to collect a
9 debt as that term is defined by 15 U.S.C. § 1692a(2).
10

11 12. During her April 6, 2009 conversation with Ms. Bailey, Ms. Hazlett informed Ms. Bailey
12 that she disputed owing any debt to JPRD or Fleet Bank, that her only source of income
13 was from Social Security, and that she could not afford to pay anything to Defendant
14 JPRD.

15 13. Defendant Bailey responded to Ms. Hazlett's dispute during the April 6, 2009
16 conversation by stating to Ms. Hazlett that if Ms. Hazlett could not afford to pay
17 Defendant JPRD, then Defendant Bailey would put a lien on Ms. Hazlett's house.

18 14. In June 6, 2009, Ms. Hazlett suffered a stroke and remained hospitalized and in nursing
19 care until September, 2009.
20

21 15. Ms. Hazlett returned home from the hospital and nursing care in July, 2009.

22 16. In September 2009, in response to another letter received from JPRD, Ms. Hazlett again
23 called Defendant JPRD and spoke with Defendant Bailey. This conversation was a
24

“communication” in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

17. During the September 2010 telephone call between Ms. Hazlett and Defendant Bailey, Defendant Bailey stated to Ms. Hazlett that if Ms. Hazlett could not afford to pay Defendant JPRD, then Ms. Bailey would place a lien on Ms. Hazlett’s home.

18. Ms. Bailey also stated during the September, 2009 conversation that Ms. Bailey would take Ms. Hazlett’s home from her if she could not pay JPRD.

19. At no time did Defendant JPRD or Defendant Bailey obtain a judgment against the Plaintiffs.

20. At no time did Defendant JPRD or Defendant Bailey have any right to file a lien against any property owned by the Plaintiffs.

21. At no time did Defendant JPRD or Defendant Bailey have any legal right to take Ms. Hazlett’s home.

22. Defendant Bailey’s comments during the September 2009 conversation with Ms. Hazlett caused Ms. Hazlett severe emotional distress.

23. As a result of Ms. Bailey’s comments, during her September 2009 conversation with Ms. Hazlett, Ms. Hazlett cried and shook uncontrollably, and became physically ill.

24. The above-detailed conduct by these Defendants in an effort to collect this debt was a violation of numerous and multiple provisions of the FDCPA, including but not limited to all of the above-mentioned provisions of the FDCPA.

1 25. Defendants' illegal abusive collection communications as more fully described above were
2 the direct and proximate cause of severe emotional distress on the part of both Plaintiffs and
3 caused them unnecessary personal strain in their relationship.

4 26. Plaintiffs have suffered actual damages as a result of these illegal collection communications
5 by these Defendants in the form of anger, anxiety, emotional distress, fear, frustration, upset,
6 humiliation, embarrassment, amongst other negative emotions, as well as suffering from
7 unjustified and abusive invasions of personal privacy.

8
9 ***Respondeat Superior Liability***

10 27. The acts and omissions of Defendant Bailey were committed within the time and space
11 limits of their agency relationship with their principal, Defendant JPRD.

12 28. The acts and omissions by Defendant Bailey were incidental to, or of the same general
13 nature as, the responsibilities these agents were authorized to perform by Defendant JPRD
14 in collecting consumer debts.

15 29. By committing these acts and omissions against Plaintiffs, Defendant Bailey and these other
16 debt collectors was motivated to benefit her principal, Defendant JPRD.

17 30. Defendant JPRD is therefore liable to Plaintiffs through the Doctrine of Respondeat
18 Superior for the intentional and negligent acts, errors, and omissions done in violation of
19 federal law by its collection employees, including but not limited to violations of the
20 FDCPA in its attempts to collect this debt from Plaintiffs.

21
22 **TRIAL BY JURY**

23 31. Plaintiffs are entitled to and hereby respectfully demand a trial by jury on all issues so
24 triable. US Const. amend. 7. Fed.R.Civ.P. 38.

CAUSE OF ACTION

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 et seq.

32. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

33. The foregoing acts and omissions of each and every Defendant and their agents constitute violations of the FDCPA, and specifically, 15 U.S.C. § 1692e(5) that states:

“A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section...

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.”

34. As a result of each and every Defendant’s violations of the FDCPA, Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney’s fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from each and every Defendant herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against each and every Defendant:

- for an award of actual damages pursuant to the Fair Debt Collection Practices Act 15 U.S.C. § 1692k(a)(1) against each and every Defendant and for each Plaintiff;
- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against each and every Defendant and for each Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every Defendant and for the Plaintiff;
- for an award of actual damages from each and every Defendant for the emotional distress suffered as a result of the intentional and/or negligent FDCPA violations for each Plaintiff; and
- for such other and further relief as may be just and proper.

Respectfully submitted this 20th day of August, 2010

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